

*The Right Honourable John Lord
Carterett, & al' Plaintiffs.
Edward Chapman (Lessee of } Upon a Writ of Error in Parliament.
Sir John Wolstenholme, Bar.)
& al' Defendants.*

February 28. 1633. **S**IR James Bagg (for securing a Debt of 8000 l. and upward) acknowledged a Statute for 10000 l. to old Sir John Wolstenholme, and others, under whom the present Sir John, and his Brother, now Claim.

Septemb. 29. 1636. Sir James Bagg was found Debtor to the Crown in 22500 l. upon the Account of his Receipt of the new Imposit Duties, of which he was Collector.

October 4. 1638. His Land was seized into the Hands of the Crown, to hold *Quousque* the Crown Debt satisfied.

April 20. 1644. The King thought fit to restore the Estate to George Bagg (Son and Heir of Sir James) but George Bagg contriving how to defraud his Father's Creditors, obtained a Grant to one Henry Cary and his Heirs, in Trust, for the said George Bagg and his Heirs, and thereby contrived not to remove the King's Hand, to prevent the Extent of our Statute.

1660. The Act was made for a General Pardon and Oblivion, whereby the Crown Debt was pardoned and forgiven.

Septemb. 3. 1661. George Bagg and his Trustees sell the Estate to Sir George Carterett and his Heirs, who appear to have given only 2400 l. for it, which was a great undervalue (as is presumed) upon Pretence of the Title being dangerous and uncertain.

1662. Sir George Carterett (in the Name of George Bagg) pleads the Act of General Pardon to the Seizure in the Exchequer: And Sir Jeffry Palmer (the then Attorney General) being of Opinion, The Crown Debt was pardoned, confessed the Plea, and the Court gave Judgment, That the Lands of Sir James Bagg should be discharged of the King's Debt.

1673. The Statute was duly extended, and the Lands of Bagg seized thereupon, and delivered to the Person interested. And then Sir George Carterett, and others, brought their Bill in Chancery, suggesting the Statute to be Fraudulent, or the Monies paid: But after several Hearings, and Two solemn Tryals at the Exchequer Bar, the Statute was found good, and not satisfied, and the Bill dismissed.

Since which we have been delayed in our Proceedings by Privilege of Parliament, Death of Parties, and other Means; but chiefly by their setting up the Crown Debt, *De Novo*, after it was pardoned and discharged by the Act of Oblivion, and pleaded off by themselves.

Octob. 26. 2 Jac. 2. Sir Robert Sawyer (the then Attorney General) for the more effectual Discharge of the pretended Crown Debt, acknowledged Satisfaction upon Record (by vertue of a Warrant for that purpose.) And the Court of Exchequer gave Judgment a Second time, That Bagg and his Estate should be discharged and acquitted thereof, and the King's Hands removed.

Apr. 21. following The King also by Privy Seal released and discharged the said Debt, and the Lands and Estate of Sir James Bagg thereof.

1703. Sir John Wolstenholme and his Brother Thomas, brought an Ejectment in the Exchequer, upon which the special Verdict now in Question was found.

And after many Arguments and Debates, and long Consideration had of the Case, all the Barons unanimously gave Judgment for Sir John Wolstenholme and his Brother.

Thereupon the Lord Carterett brought a Writ of Error in the Exchequer Chamber, and the same was several times Argued and Debated before the Lord Chief Justice Holt and Lord Chief Justice Trevor: And after they had for several Terms considered thereon, they were of Opinion for the now Defendants, and that the said Judgment was rightly given; and thereupon the Right Honourable the Lord Chancellor and Lord Treasurer affirmed the same.

Michaelm. 1708. And now the Lord Carterett hath brought a Writ of Error before your Lordships, to Reverse the said Judgment. But it being humbly conceived, that the said Judgment was rightly given, and according to Law, it is humbly prayed your Lordships will be pleased to affirm the same.

1. The Debt of 8000 l. is now (for Principal Interest, and Costs) become at least a Debt of 50000 l.
2. Sir John Wolstenholme and his Family, have been engaged in these Suits for above Thirty Five Years, and have spent therein above 10000 l.
3. For that its humbly hoped both the Law and Equity are very clearly for Sir John Wolstenholme and his Brother; the Debt being upon a Statute, and the Truth and Honesty of the said Debt having been established by several Tryals at Law: And all the Objections of the Crown Debt, and of the Lands being seized into, and remaining in the Hands of the Crown, being now clearly answered and removed.

Samuel Dodd.
John Pratt.

The 4th. of February is appointed by Your Lordships to hear this Cause, being Friday.

THE
CASE

OF

Sir JOHN WOLSTENHOLME, Bar.

And his Brother,

THOMAS WOLSTENHOLM, Gent.

Defendants in the Writ of Error.

*This Cause is to be heard
Friday 4th Feb*

1709